

1 THOMAS K. KELLY (AZ Bar No. 012025)
tskelly@kellydefense.com
2 425 E. Gurley
Prescott, Arizona 86301
3 Telephone: (928) 445-5484

2010 NOV 12 PM 4:01

FILED ✓

Ivy Rios

DEPUTY CLERK

4 Attorneys for Defendant JAMES ARTHUR RAY
5
6
7

8 SUPERIOR COURT OF THE STATE OF ARIZONA

9 COUNTY OF YAVAPAI
10

11 STATE OF ARIZONA,

12 Plaintiff,

13 vs.

14 JAMES ARTHUR RAY,

15 Defendant.
16

CASE NO. V1300CR201080049

EXPEDITED REQUEST FOR TEMPORARY
ADMISSION PRO HAC VICE PURSUANT
TO ARIZONA SUPREME COURT RULE
38(A)(3)

DECLARATION OF THOMAS K. KELLY

17 Thomas Kelly, pursuant to Rule 38(a)(3), Ariz. R. Sup. Ct., moves the court to permit
18 Miriam Seifter to appear as counsel *pro hac vice* in this action on a temporary basis, prior to the
19 final approval of her pending application to the State Bar of Arizona. This request is based on the
20 attached declaration and exhibits and any other materials the court may require. I hereby agree to
21 serve as local counsel in this matter and accept the responsibilities detailed in Rule 39(a)(2), Ariz.
22 R. Sup. Ct.

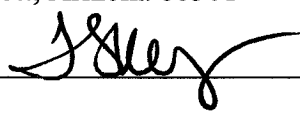
23 DATED this 12th day of November, 2010.

24
25 
26 THOMAS K. KELLY

27 Copy of the forgoing mailed/faxed/
28 delivered this 12th day of November, 2010, to:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Sheila Polk
Yavapai County Attorney
255 E. Gurley
Prescott, Arizona 86301

By  _____

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2

3
4
5
6
7

8
9

10

11
12

13

14

15
16
17

- 18
19
20

21

22
23
24
25

26

27

28

1 she does not object to the temporary *pro hac vice* admission of Ms. Seifter.

2

3 I declare, upon information and belief, that foregoing is true and correct and that this Declaration

4 was executed this 11th day of November 2010 at Prescott, Arizona.

5


Thomas K. Kelly

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A



Attn: Pro Hac Vice Dept
PO Box 53099
Phoenix, AZ 85072-3099
Phone: 602-340-7239

For Official Use Only

App# _____
Bar Number# _____

Application for Appearance Pro Hac Vice

PART I: Applicant Information

Name of Applicant: Miriam L. Seifter

Firm/Company Name: Munger, Tolles & Olson, LLP

Office Address: 560 Mission Street, San Francisco, CA 94105-2907
(415) 512-4000 (415) 512-4077 Email Address: Miriam.Seifter@mto.com

Telephone: _____ Fax: _____

Residence Address: 4136 25th Street, San Francisco, CA 94114

Title of cause or case where applicant seeks to appear: State of Arizona v. James Arthur Ray

Docket Number: V1300CR20108

Court, Board, or Administrative Agency: Superior Court of the State of Arizona, Yavapai County

Party on whose behalf applicant seeks to appear: James Arthur Ray

Pursuant to Arizona Supreme Court Rule 38(i)(3), the applicant shall complete the information below:

Courts to Which Applicant Has Been Admitted: <i>(Attach additional pages if needed)</i>	Date of Admission:	Bar Number:
<u>California State Courts</u>	<u>May 21, 2010</u>	<u>269589</u>
<u>US District Court - Northern District</u>	<u>June 18, 2010</u>	_____
<u>Federal Circuit</u>	<u>July 6, 2010</u>	_____
<u>9th Circuit</u>	<u>July 12, 2010</u>	_____

☐ Applicant is a member in good standing in such courts.

☐ Applicant is not currently disbarred or suspended in any court.

Applicant ☐ is / ☐ is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under AZ ST S.Ct., Rule 38(a) in the following:

Title of Matter:	Docket #:	Court or Agency:	App Granted? (Y/N)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

This case or cause ☐ is / ☐ is not (select one) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, Applicant certifies that he/she will review and comply with appropriate rules of procedure as required in the underlying cause.

If applicable, please provide related or consolidated matter application or docket# _____

PART II: Local Counsel Information

Name of Arizona Local Counsel: Thomas K. Kelly

State Bar of Arizona Number: 012025

Address: 415 E. Gurley Street, Prescott, ZAZ 85301

Telephone: (928) 445-5484 Fax: (928) 445-0414 Email Address: _____

☐ Local Counsel is a member in good standing.

☐ Local Counsel associating with a nonresident attorney in a particular cause shall accept joint responsibility with the nonresident attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.

PART III: Parties and Certification

Name(s) of each party in this cause and name and address of all counsel of record:

Party:	Counsel of Record:	Address:
<u>State of Arizona</u>	<u>Sheila Polk, County Atty</u>	<u>255 East Gurley Street</u>
		<u>Prescott, AZ 86301</u>
<u>James Ray</u>	<u>Thomas K. Kelly</u>	<u>425 East Gurley Street</u>
		<u>Prescott, AZ 86301</u>

☐ Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$460.00. Fifteen percent of the non-refundable application fee paid pursuant to this section shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in subparagraph (f) of this rule.

☐ Applicant is furnishing a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States in which the nonresident attorney has been admitted to practice law certifying the nonresident attorney's date of admission to such jurisdiction and the current status of the nonresident attorney's membership or eligibility to practice therein. The certificate furnished shall be no more than forty-five (45) days old.

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

Verification

STATE OF California)
County of San Francisco) ss.

I, Miriam L. Seifter, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: _____ Applicant's Signature: _____

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____, by _____

Name of Applicant

Notary Public



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE. 888-800-3400

CERTIFICATE OF STANDING

October 22, 2010

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, MIRIAM L. SEIFTER, #269589 was admitted to the practice of law in this state by the Supreme Court of California on May 21, 2010; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Kath Lambert
Custodian of Membership Records

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW. IF NOT CORRECT, PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.
MUNGER, TOLLES & OLSON, L.L.P.

DATE	DESCRIPTION	AMOUNT
10/19/2010	Pro Hac Vice application fee (2-6515-900) MRConrad	\$ 460.00

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit B



Tamra S. Kelly <tskelly@kellydefense.com>

Miriam Seifter - Pro Hac Vice

2 messages

Do, Truc <truc.do@mto.com>

Thu, Nov 11, 2010 at 3:35 PM

To: Sheila Polk <Sheila.Polk@co.yavapai.az.us>

Cc: "Li, Luis" <Luis.Li@mto.com>, "Seifter, Miriam" <miriam.seifter@mto.com>, "Thomas K Kelly" <tkkelly@kellydefense.com>, "Tamra S Kelly" <tskelly@kellydefense.com>

Sheila,

Thank you again for letting us know that you would have no objections to our request that Miriam Seifter be admitted pro hac vice on a temporary status pursuant to Ariz. R. of Supreme Court 38(a). The State Bar has received her application for pro hac vice admission. Tammy confirmed today that the Original Application and Notice of Receipt are being mailed to Tom tomorrow. We would like to submit an expedited 38(a) request to Judge Darrow today or tomorrow morning so that Miriam can argue 1 or 2 motions next Tuesday. Would it be alright with you if I represent to the Court that you have no objections?

Thanks in advance for your professional courtesy and cooperation

Best, Truc

Truc T. Do | Munger, Tolles & Olson LLP

355 South Grand Avenue | Los Angeles, CA 90071

Tel 213 683 9154 | Fax 213 683 5154 | truc.do@mto.com | www.mto.com

NOTICE

This message is confidential and may contain information that is privileged, attorney work product or otherwise exempt from disclosure under applicable law. It is not intended for transmission to, or receipt by, any unauthorized person. If you have received this message in error, do not read it. Please delete it without copying it, and notify the sender by separate e-mail so that our address record can be corrected. Thank you.

Seifter, Miriam <miriam.seifter@mto.com>

Thu, Nov 11, 2010 at 9:11 PM

To: "Tamra S Kelly" <tskelly@kellydefense.com>

Miriam L. Seifter | Munger, Tolles & Olson LLP

560 Mission Street | San Francisco, CA 94105

Tel 415 512 4059 | Fax 415 644 6959 | miriam.seifter@mto.com | www.mto.com

NOTICE

This message is confidential and may contain information that is privileged, attorney work product or otherwise exempt from disclosure under applicable law. It is not intended for transmission to, or receipt by, any unauthorized person. If you have received this message in error, do not read it. Please delete it without copying it, and notify the sender by separate e-mail so that our address record can be corrected. Thank you.

From: "Sheila Polk" <Sheila.Polk@co.yavapai.az.us>**Date:** November 11, 2010 7:03:31 PM PST**To:** "Do, Truc" <truc.do@mto.com>**Subject:** Re: Miriam Seifter - Pro Hac Vice

Yes. That is fine.

Sheila Polk

Sent from my Verizon Wireless Phone

[Quoted text hidden]